

## Message Text

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ORIGIN L-03

INFO OCT-01 IO-12 ADP-00 CIAE-00 DODE-00 PM-09 H-02 INR-10

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

AF-10 ARA-11 EA-11 EUR-25 NEA-10 ACDA-19 SAI-01 /166 R

DRAFTED BY L/ UNA: JWWILLIS: JNP

4/24/73 EXT. 22559

APPROVED BY L/ UNA: JWWILLIS

IO/ UNP - MR. KIMBALL

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P 251655 Z APR 73

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

INFO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 077745

GENEVA FOR MR. NELSON

E. O. 11652: GDS

TAGS: UN, PFOR

SUBJECT: POSITION PAPER, COMMITTEE ON DEFINING AGGRESSION,  
SIXTH SESSION, GENEVA, APRIL 25- MAY 30, 1973

1. THE FOLLOWING TEXT IS THE DELEGATION' S INSTRUCTIONS  
FOR PARTICIPATION IN THE 1973 SESSION OF THE COMMITTEE  
ON DEFINING AGGRESSION.

INTRODUCTION.

THE UN SPECIAL COMMITTEE ON THE QUESTION OF DEFINING  
AGGRESSION MADE SOME NOTABLE PROGRESS DURING ITS 1972  
SESSION. THROUGH THE EFFORTS OF AN INFORMAL WORKING  
GROUP, THE COMMITTEE MOVED CONSIDERABLY CLOSER TO AGREE-  
MENT ON THE BASIC ELEMENTS WHICH SHOULD BE CONTAINED IN  
A DEFINITION OF AGGRESSION. WHILE IMPATIENCE WAS AGAIN  
EXPRESSED AT THE SLOW PACE OF THE COMMITTEE' S WORK, THERE  
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IS EXPECTATION OR AT LEAST HOPE THAT MOMENTUM ACHIEVED IN  
LAST YEAR'S SESSION WILL NOT HAVE BEEN LOST IN THE INTER-  
VENING PERIOD.

THE UNITED STATES HAS ALWAYS MADE IT CLEAR THAT IT  
DOES NOT REGARD A DEFINITION OF AGGRESSION AS NECESSARY.  
THE RESPONSIBILITY FOR THE DETERMINATION OF THE EXIS-  
TENCE OF AGGRESSION LIES WITH THE SECURITY COUNCIL UNDER

ARTICLE 39 OF THE CHARTER, AND NO DEFINITION CAN OR  
SHOULD PREJUDGE THE DECISION OF THE SECURITY COUNCIL IN  
A PARTICULAR CASE.

ON THE OTHER HAND, THE SOVIETS HAVE ALWAYS ATTACHED  
CONSIDERABLE IMPORTANCE TO THIS EXERCISE, AND MANY NON-  
ALIGNED MEMBERS OF THE COMMITTEE HAVE COME TO THE SAME  
VIEW. WHILE THERE HAVE BEEN FREQUENT THREATS IN THE  
COMMITTEE TO ADOPT A DEFINITION BY MAJORITY VOTE IN THE  
ABSENCE OF CONSENSUS, OUR ARGUMENT THAT A DEFINITION  
WHICH DID NOT COMMAND ESSENTIALLY UNANIMOUS AGREEMENT  
WOULD NOT BE NEARLY AS USEFUL AS ONE THAT DID, HAS SO  
FAR PREVAILED. HOWEVER, FOR THE UNITED STATES AND ITS  
CLOSE ALLIES TO BEAR THE ONUS OF NON- AGREEMENT INVOLVES  
SOME SIGNIFICANT POLITICAL COSTS.

IN THE INTEREST, THEREFORE, OF CONCLUDING THIS  
RATHER UNPRODUCTIVE EFFORT AS SOON AS POSSIBLE, WE ARE  
PREPARED TO MAKE AN ACTIVE EFFORT TO FIND A BASIS FOR  
AGREEMENT ON A DEFINITION WHICH DOES NOT IN ANY WAY PRE-  
JUDICE OUR BASIC POSITIONS CONCERNING LEGITIMATE USES  
OF FORCE UNDER THE CHARTER AND THE JUDGMENTAL ROLE OF  
THE SECURITY COUNCIL IN DETERMINING THE EXISTENCE OF AN  
ACT OF AGGRESSION.

#### GENERAL STRATEGY

THE GENERAL STRATEGY OF THE DELEGATION SHOULD BE  
BASED ON AN ATTEMPT TO ELIMINATE PERIPHERAL ISSUES  
FROM THE OPERATIVE TEXT OF THE DECLARATION, MAKING USE  
WHERE NECESSARY OF APPROPRIATE ( AND, OF COURSE, ACCEPT-  
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ABLE) PREAMBULAR REFERENCES TO OTHER DOCUMENTS ( E. G.,  
THE FRIENDLY RELATIONS DECLARATION). IN ADDITION, THE  
DELEGATION SHOULD TRY TO SIMPLIFY THE DECLARATION AS  
MUCH AS POSSIBLE, SEEKIN  
E E E E E E E

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:**  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 APR 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** thigpegh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE077745  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JWWILLIS: JNP  
**Enclosure:** n/a  
**Executive Order:** GDS  
**Errors:** CORE6  
**Film Number:** n/a  
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**Office:** ORIGIN L  
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**Original Handling Restrictions:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** thigpegh  
**Review Comment:** n/a  
**Review Content Flags:** ANOMALY  
**Review Date:** 27 SEP 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <27-Sep-2001 by rowellE0>; APPROVED <14-Nov-2001 by thigpegh>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> jms 980130  
**Subject:** POSITION PAPER, COMMITTEE ON DEFINING AGGRESSION, SIXTH SESSION, GENEVA, APRIL 25- MAY 30, 1973  
**TAGS:** PFOR, UN  
**To:** GENEVA  
USUN NEW YORK  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005